

EPA Pretreatment Audit – Revision to DEC’s Implementation Schedule

July 26, 2019

This is a revision to the schedule provided in Response #3 of the DEC’s Pretreatment Audit Response document sent to EPA on May 10, 2019.

<u>Task</u>	<u>Completion Date</u>	<u>Current Status</u>
Gather benchmark info from other states with delegated programs.	8/1/19	The DEC has performed extensive outreach so far, gathering benchmark info from 6 states and 2 EPA regions. This effort will be ongoing as we develop our proposed strategy. The DEC expects sufficient benchmark data to be collected and analyzed by August 1, 2019.
Legal determines whether statutory or rule changes are necessary to address Audit Report and delegation efforts.	8/1/19	Currently, the DEC has presented benchmark information to Legal and requested they investigate whether or not statutory authority/rule changes are necessary to address deficiencies noted in the Audit Report, including partial/full delegation of Pretreatment responsibilities to POTWs. The DEC expects to receive and review this Legal determination by August 1, 2019.
Plan Revision of Wastewater Rule	<i>Ongoing</i>	Regardless of whether or not a Rule revision is necessary to address Pretreatment Audit items and delegation efforts, the DEC is actively exploring a Rule revision, which will include Pretreatment Standards and/or conditions. Benchmark info and collaboration with Legal has served as preparation for this process.
Prepare outreach materials and convene stakeholders (e.g. Relevant municipalities, EPA, Vermont Rural Water Association, Green Mountain Water and Environmental Association, Vermont League of Cities and Towns, and consulting firms).	Fall 2019	The DEC has determined that Legal needs to evaluate our position with respect to our legal authority to carry-out Pretreatment requirements prior to reaching out to stakeholders. Following receipt and analysis of Legal’s determination, DEC will begin outreach and planning efforts to convene stakeholders. We expect stakeholder meeting(s) to take place late-summer / fall 2019.
Develop proposed strategy (discuss options, potential fee increase, statutory or regulatory changes, etc.)	Fall 2019	The DEC will be prepared to develop a proposed strategy to address Pretreatment audit items, including partial/full delegation of Pretreatment Program responsibilities to POTWs by the end of Fall 2019. This strategy will be distributed to EPA for review and input.

Obtain stakeholder input on strategy.	Winter 2019	The proposed strategy will be reviewed with stakeholders to receive input and feedback.
Finalize strategy and timeline and begin implementation (timeline depends on if rulemaking and statutory changes are necessary).	Winter 2019	By Winter 2019, the DEC expects the proposed strategy will be finalized along with a timeline for implementation.